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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVRAM VINETO NIKA,

Petitioner,

vs.

TIMOTHY FILSON, *et al.*,

Respondent.

Case No. 3:09-cv-00178-JCM-WGC

**STIPULATED SIXTH EXTENSION OF TIME
FOR COMPLIANCE WITH AMENDED
JUDGMENT IN A CIVIL CASE (ECF NO.
201)**

In June 2019, this Court granted in part petitioner Avram Viento Nika's (Nika) second-amended federal habeas petition, granting relief on the penalty-phase trial and denying relief as to all other claims. ECF No. 186 at 95. The Court further granted Nika a certificate of appealability on four grounds related to the guilt phase and stayed the judgment pending conclusion of appellate review or the expiration of time to seek such review. *Id.* at 96.

On October 4, 2019, this Court issued an amended judgment. ECF No. 201. In that judgment, the Court ordered:

IT IS FURTHER ORDERED AND ADJUDGED that Respondents shall either (1) within 60 days from the date of this order, vacate Petitioner's death sentence and impose upon him a non-capital sentence, consistent with law, or (2) within 60 days from the date of this order, file a notice of the State's intent to grant Petitioner a new penalty-phase trial, and, within 180 days from the date of this order, commence jury selection in the new penalty-phase trial.

...

IT IS FURTHER ORDERED AND ADJUDGED that the judgment in this action will be stayed pending the conclusion of any appellate or certiorari review in the Ninth Circuit Court of Appeals or the United

1 States Supreme Court, or the expiration of the time for seeking such
2 appellate or certiorari review, whichever occurs later.

3 *Id.* at 1.

4 Nika appealed and the Ninth Circuit affirmed. ECF Nos. 190, 206. This Court recognized the
5 Ninth Circuit's mandate on March 3, 2023. ECF No. 210.

6 Pursuant to this Court's amended judgment, the matter remained stayed until the conclusion of
7 appellate or certiorari review, or the expiration of time to seek the same, which expired on March 20,
8 2023. Respondents then had 60 days to file notice with the Court that the Washoe County District
9 Attorney chose to either vacate Nika's death sentence and impose a non-capital sentence or intended to
10 hold a new penalty-phase trial. *See* ECF No. 201 at 1. If the District Attorney chose to hold a new
11 penalty phase, they had 180 days within which to commence jury selection.

12 This Court approved the parties' four stipulations to extend the time for Respondents to file the
13 notice of intent to hold a new penalty-phase trial. ECF Nos. 216, 220, 222, 225. Respondents filed the
14 notice of the prosecution's intent to hold a new penalty-phase trial on April 9, 2024. ECF No. 226.

15 Concurrent with Respondents' notice, the parties also filed a fifth stipulation to extend the time
16 to comply with the Court's amended judgment to November 1, 2025. ECF No. 227. The extension
17 encompassed the then-scheduled new penalty-phase trial date of September 8, 2025.

18 Since the last stipulation, Nika's trial counsel requested a continuance of the September 2025
19 penalty-phase trial in order to continue to develop mitigation evidence, including reviewing pertinent
20 medical, education, family, and criminal records. Counsel reported the task was complicated by the age
21 of the case (over fifteen years old), amount of work to be done, and that Nika is a Serbian national.
22 Counsel must also complete an investigation into Nika's mental health, including the retention of
23 experts. The trial court granted the motion.

24 Respondents' counsel also conferred with the prosecutor, who explained that the court, in
25 granting the defense's motion to continue, orally scheduled the new penalty-phase trial for September
26 14, 2026. The date for the new penalty-phase trial is well beyond this Court's current deadline of
27 November 1, 2025.

28 The parties therefore ask for additional time beyond the current trial date should the state parties
require a continuance of the existing new penalty-phase trial date.

1 IT IS HEREBY STIPULATED AND AGREED that:

2 Given the new date for the penalty-phase trial is scheduled for September 14, 2026, the parties
3 request this Court extend the deadline by which the penalty-phase date must commence to and
4 including November 1, 2026. This new deadline will provide some lenience for the prosecution to
5 comply with this Court's amended judgment should the current penalty-phase trial date require further
6 adjustment.

7 DATED July 23, 2025

DATED July 23, 2025

8 RENE L. VALLADRES
9 Federal Public Defender

AARON D. FORD
Nevada Attorney General

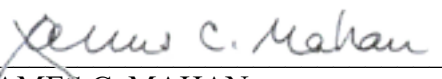
10 /s/ Heather Fraley
11 HEATHER FRALEY (Bar No. 24050621)
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/s/ Heather D. Procter
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15
16 **ORDER**

17 IT IS SO ORDERED.

18 Dated August 1, 2025.

19
20 
21 JAMES C. MAHAN
22 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 23rd day of July, 2025, I served a copy of the foregoing **STIPULATED SIXTH EXTENSION OF TIME FOR COMPLIANCE WITH AMENDED JUDGMENT IN A CIVIL CASE (ECF NO. 201)**, by U.S. District Court CM/ECF electronic filing to:

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/s/ Amanda White